

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

**HARRY WILEY, individually  
and on behalf of all others similarly situated,**

**Plaintiff,**

**v.**

**Civil Action No. 2:25-cv-227  
(Honorable Irene C. Berger)**

**ROBERT F. KENNEDY, JR., in his  
official capacity as Secretary of Department  
of Health and Human Services, and  
U.S. DEPARTMENT OF HEALTH AND  
HUMAN SERVICES**

**Defendants.**

**MOTION FOR PRELIMINARY INJUNCTION**

NOW COMES Plaintiff, Harry Wiley, by counsel, and applies for a Preliminary Injunction pursuant to Rule 65 of the *Federal Rules of Civil Procedure*, effective during the pendency of this litigation, to enjoin the Defendants from terminating the epidemiology program known as the Coal Workers' Health Surveillance Program ("CWHSP") and the job transfer program known in the mining industry by the name of its implementing regulation, "Part 90." *See* 30 C.F.R. Part 90. With no advance notice, on April 1, 2025, Defendants terminated most of the critical employees, including the chief medical officer, overseeing the CWHSP and job transfer programs, thus jeopardizing miners – like the Plaintiff, Harry Wiley – who seek to utilize these critical and time-sensitive protections from continued dust exposure and debilitating disease. Specifically, Defendants terminated or placed on administrative leave all employees in the Respiratory Health Division of the National Institute for Occupational Safety and Health ("NIOSH"). As set forth more fully in the Memorandum of Law accompanying this Motion, the Plaintiff seeks a

Preliminary Injunction that restores NIOSH's Respiratory Health Division and permits that Division to carry out its mandatory statutory duties.

**Respectfully Submitted,  
HARRY WILEY, individually and on  
behalf of all others similarly situated,  
By counsel:**

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